

AMENDED IN ASSEMBLY MARCH 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

No. 9

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### Introduced by Assembly Member Huff

(Coauthors: Assembly Members Anderson, Benoit, Blakeslee, Cook, DeVore, Gaines, Garrick, Horton, Jeffries, Maze, Nakanishi, Silva, Spitzer, Strickland, and Tran)

December 4, 2006

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An act to add Section 14218.3 to the Elections Code, relating to voting.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 9, as amended, Huff. Voter identification: proof of identity.

(1) Existing law requires any person desiring to vote *at a polling place* to announce his or her name and address to a precinct board member and to write this information on the roster of voters.

This bill would require any eligible citizen, in addition, to present proof of his or her identity to a member of the precinct board before receiving a ballot, and would specify 6 forms of currently valid identification that may be used for this purpose. It would permit a voter who is unable to present proof of identity to cast a provisional ballot, *as specified*. The bill would also make a violation or attempted violation of these provisions a felony.

This bill, by requiring the county elections official to verify a voter's identity, and because it would also create a new crime, would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Voter Identification Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) The right to vote is one of our most important and  
5 fundamental rights, and the State of California has a special and  
6 compelling interest in safeguarding each and every vote from abuse  
7 or fraud.

8 (b) Current law does not require any proof of identity to be  
9 presented at the time of voting in person *at the polling place* or by  
10 absentee ballot.

11 (c) To deter potential voter fraud and ensure the right of citizens  
12 to vote, it is necessary that poll workers verify the identity of each  
13 person desiring to vote to ensure that the person actually casting  
14 a ballot is the person entitled to vote.

15 SEC. 3. Section 14218.3 is added to the Elections Code, to  
16 read:

17 14218.3. (a) Any eligible citizen who desires to vote in person  
18 at a polling place shall present proof of his or her identity to a  
19 member of the precinct board at the time of voting. Any one of  
20 the following forms of currently valid picture identification may  
21 be used:

22 (1) A California driver's license.

23 (2) A California identification card.

24 (3) A United States military identification card.

25 (4) A United States passport.

26 (5) A tribal enrollment card or other form of tribal identification.

27 (6) A United States federal, state, or local government issued  
28 identification.

1 (b) A precinct board member shall visually confirm the  
2 photograph and signature of the person desiring to vote, and shall  
3 record the identifying number, if any, and the form of identification  
4 presented in the roster of voters.

5 (c) Any violation or attempted violation of subdivision (a) shall  
6 constitute fraud pursuant to Section 18500.

7 (d) Any voter desiring to vote in person who is unable to present  
8 one of the forms of valid picture identification listed in subdivision  
9 (a) shall be entitled to vote a provisional ballot. *Any voter casting*  
10 *a provisional ballot pursuant to this subdivision shall provide valid*  
11 *picture identification to the county registrar of voters within five*  
12 *business days of voting.*

13 (e) The requirement to present valid picture identification when  
14 voting shall be prominently printed on all sample ballots near the  
15 location where the voter's polling place is indicated.

16 (f) The provisions of this section are severable. If any provision  
17 of this section or its application is held invalid, that invalidity shall  
18 not affect other provisions or applications that can be given effect  
19 without the invalid provision or application.

20 SEC. 4. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution for certain  
22 costs that may be incurred by a local agency or school district  
23 because, in that regard, this act creates a new crime or infraction,  
24 eliminates a crime or infraction, or changes the penalty for a crime  
25 or infraction, within the meaning of Section 17556 of the  
26 Government Code, or changes the definition of a crime within the  
27 meaning of Section 6 of Article XIII B of the California  
28 Constitution.

29 However, if the Commission on State Mandates determines that  
30 this act contains other costs mandated by the state, reimbursement  
31 to local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.